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UTILITY PATENT APPLICATION TRANSMITTAL	
(Only for new nonprovisional applications under 37 CFR 1.53(b))	
APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	Attorney Docket No. 31132.172
First Inventor	Bret M. Berry
Title	Expansion Apparatus for Adjustable S
Express Mail Label No.	EV333435493US

22264 U.S. PTO
10/663554

1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i>	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>
3. <input checked="" type="checkbox"/> Specification [Total Pages 16] <i>(preferred arrangement set forth below)</i>	a. <input type="checkbox"/> Computer Reader Form (CRF)
- Descriptive title of the invention	b. Specification Sequence Listing on:
- Cross Reference to Related Applications	i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or
- Statement Regarding Fed sponsored R & D	ii. <input type="checkbox"/> Paper
- Reference to sequence listing, a table, or a computer program listing appendix	c. <input type="checkbox"/> Statements verifying identity of above copies
- Background of the Invention	
- Brief Summary of the Invention	
- Brief Description of the Drawings (if filed)	
- Detailed Description	
- Claim(s)	
- Abstract of the Disclosure	
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 4]	
5. Oath or Declaration [Total Sheets 2]	
a. <input checked="" type="checkbox"/> Newly executed (original or copy)	9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i>	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	11. <input type="checkbox"/> English Translation Document (if applicable)
12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	12. <input type="checkbox"/> Copies of IDS Citations
13. <input type="checkbox"/> Preliminary Amendment	
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>	
15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>	
16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.	
17. <input checked="" type="checkbox"/> Other: Express Mail Certificate.....	
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:	
<input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.:	

Prior application information: Examiner _____ Art Unit: _____
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number:	27683	OR	<input type="checkbox"/> Correspondence address below
Name	David M. O'Dell		
Address	Haynes and Boone, LLP 901 Main Street, Suite 3100		
City	Dallas	State	TX
Country	USA	Telephone	972 739-8635
Name (Print/Type)	David M. O'Dell	Registration No. (Attorney/Agent)	42,044
Signature	Date 9-16-03		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 808.00)

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Bret M. Berry
Examiner Name	
Art Unit	
Attorney Docket No.	31132.172

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number 08-1394
Deposit Account Name Haynes and Boone, LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	750.00
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 750.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	21	-20** = 1 X 18.0 = 18.00	
Independent Claims	2	- 3** = 0 X _____ = _____	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 18.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

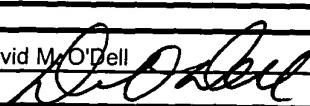
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	2251 55	Extension for reply within first month	
1252 410	2252 205	2252 205	Extension for reply within second month	
1253 930	2253 465	2253 465	Extension for reply within third month	
1254 1,450	2254 725	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	2255 985	Extension for reply within fifth month	
1401 320	2401 160	2401 160	Notice of Appeal	
1402 320	2402 160	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	2502 235	Design issue fee	
1503 630	2503 315	2503 315	Plant issue fee	
1460 130	1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40.00
1809 750	2809 375	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	David M. O'Dell	Registration No. (Attorney/Agent)	42,044	Telephone 972 739-8635
Signature		Date	September 16, 2003	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

R-5532

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2. Customer No. 27683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:	§	Attorney Docket No. 31132.172
Bret M. Berry	§	
	§	Customer No. 27683
Serial No. Unknown	§	
	§	Group Art Unit: Unknown
Filed: Herewith	§	
	§	Examiner: Unknown
For: EXPANSION TOOL FOR	§	
ADJUSTABLE SPINAL IMPLANT	§	

EXPRESS MAIL CERTIFICATE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that the following attached papers and fee:

1. Utility Patent Application Transmittal Form and Fee Transmittal Form (in duplicate);
2. Patent Application consisting of 16 pages of specification, 4 pages of claims and 1 page Abstract of Disclosure;
3. Four (4) drawing sheets;
4. Application Data Sheet;
5. Executed Power of Attorney;
6. Executed Declaration;
7. Executed Assignment, Recordation Form, and \$40.00 check for recordation fee;
8. Check in the amount of \$768.00 for the filing fee;
9. Express Mail Certificate; and
10. Return Postcard

are being deposited with United States Postal Service "Express Mail Post Office to Addressee" via
Express Mail Number: EV333435493US to the Commissioner for Patents, Box Patent Application,
Alexandria, VA. 22313-1450, on the 16th day of September, 2003.

Gayle Conner
Typed or Printed Name

Gayle Conner
Signature